

**Washington County Land Use Authority Meeting**  
**March 8, 2011**  
**(Recording available)**

The Washington County Land Use Authority Meeting was held on Tuesday, March 08, 2011 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Mike Stucki. Commissioners present: Doug Wilson, Kim Ford, Rick Jones, Joann Balen, Julie Cropper and Dave Everett. Also present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; Kim Hafen, Clerk/Auditor; and Doreen Bryant, Planning Secretary.

Excused: Debora Christopher.

Absent: N/A

Audience attendance: Robert Herpel, Chris Faulhaber, Jeff Gardner, Joe Lee, Molly Chapman, Sharron Worthington, Jimmy Soltis, Rosalind Soltis, Polly Housley, Shannon Bond, Margaret Gibson, Kurt Sorensen, David Cobdling.

Chairman Mike Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

**Item #1. STAFF COMMENTS.** Review staff comments for each item listed below. Staff initiated.

**Item #2. SITE PLAN REVIEW EXTENSIONS.** Review construction progress on a 2,400 square foot metal building for a warehouse rental within the M-1 (Manufacturing) Zone near Veyo, Utah. Allen Feller, applicant.

Due to applicant not being present this item was moved further down the agenda.

**Motion:** Commissioner Everett moved to move the item further down the agenda until the applicant is here. Commissioner Balen seconded the motion. The motion carried with all six (6) Commissioners voting in favor.

Chairman Stucki asked what to do with Item #2. The Building Official stated it has not had a final and there is a question on the fencing of the property. In addition, there are other items the need to be addressed such as landscaping and site plan work that needs to be completed. A discussion occurred regarding the item and what happens if the project is not completed. The Commission would like the applicant to attend a meeting to answer questions on the building and property.

**Motion:** Commissioner Everett moved to table the Site Plan review Extension for a metal building warehouse rental within the M-1 Zone near Veyo until the applicant is in attendance to answer the questions on the project. Commissioner Cropper seconded. The motion carried with all six (6) commissioners voting in favor.

**Item #3 CONDITIONAL USE PERMIT EXTENSION.** Review extension for an exception to height limitations on a 60' silo and to establish a batch plant at Snowfield rock products, which is an

existing gravel crushing operation north of Pintura. Tom Walbom/Granite Construction Company, applicant.

The Planner stated the applicant is requesting an extension of the Conditional Use Permit issued in March 2010 for an exception to the height limitation for a 60' silo at the batch plant operation near Snowfield. The original operation was granted a Conditional Use Permit in 1999 for a batch plant. There have been no changes to the site and the applicant did submit an updated letter from the E.P.A. The applicants have met all of the findings from the last motion and therefore ask that an extension be granted for another year.

Commissioner Cropper asked the planner if there had been any complaints. The Planner stated there had not been.

Chris Faulhaber, Granite Construction, reported to the commission they are working on the Dixie Drive project. He explained the length of time they have been operating, the amount of material they haul, and the number of trucks utilized.

**Motion: Commissioner Balen moved to approve the Conditional Use Permit Extension for an exception to the height limitations of the 60' silo for the Granite Construction Company rock crushing operation at the Snowfield batch plant in Pintura. Commissioner Cropper seconded. The motion carried with all six (6) Commissioners voting in favor.**

**Item #4. CONDITIONAL USE PERMIT.** Request permission for a single-family dwelling to be used as a Bed & Breakfast within the FR-13.5 zone in Pine Valley Ranches on Carter Dr. in Pine Valley. Bob Herpel, agent.

The Planner reported the Commission had reviewed this as a discussion item at the previous meeting. The property is located in the Pine Valley Rancho Subdivision. The applicant has decided to apply for a conditional use permit to operate a Bed and Breakfast in a single-family dwelling. The property contains four lots with a residence on one lot and a garage on another of the lots. This being a new submitted site plan we asked that the parking and the culvert change be shown. The applicant has provided ample parking for the ten bedrooms of 2 stalls for each bedroom, along with two handicapped stalls, and the staff's parking in the garage. The site plan also shows the fire pit and the septic system information. A letter from the Southwest Utah Public Health Department indicating there is ample septic system for this bed and breakfast use has been submitted.

Commissioner Balen stated she understood this was to be used as a facility to be rented out for a family reunion or a large group. The planner stated it was discussed for that use, however, the applicant has decided it was best to ask for the bed and breakfast use. There will not be breakfast served but there are facilities to cook meals.

A question and answer period for the property and use occurred.

Bob Herpel reported the owners decided to apply for the Bed and Breakfast use although the intent is to use it for family reunions or gatherings. He had nothing more to add to what Staff presented. A lengthy discussion occurred where the commissioners asked questions regarding the distances from the closest homes; the zoning and the surrounding area; how the lighting, garbage, and signage

would be addressed; and, if the Bed and Breakfast Association standards would be used. Mr. Herpel answered the questions posed to him.

Commissioner Cropper asked about fire sprinkling for the home. Kurt Gardner, Building Official, stated there are sprinkling, ADA compliance, and a few other issues that would be addressed if this conditional use does go through.

Chair Mike Stucki asked if there was nay one in the audience who would like to speak on this item.

Joe Lee stated his home is three properties away from the project. He voiced his concerns regarding usage of the property, possible ATV and horse rentals, ATV use, dust, and noise. He stated he is against this being a Bed and Breakfast commercial use.

Jeff Gardner, Pine Valley Special Service District, he noted he was not representing the District; however, he does get a lot of feedback from the residence of Pine Valley. He spoke about the nature of Pine Valley and its attraction to the people who live and stay there. He stated the Fire Chief has concerns regarding fire fighting for the area.

Commissioner Balen asked about ATV use. Mr. Gardner explained the legalities of ATV usage. He stated the Sheriff will cite people who disobey the laws when riding them.

A discussion regarding fire issues occurred.

Sharron Worthington stated she is a fulltime resident of Pine Valley. She works with the Fire Chief and they have been working on evacuation plans for Pine Valley. She reported on the evacuation issues and plans they currently have. She stated this is a commercial proposition which would create issues for any evacuations that might need to be implemented. She is not in favor of a commercial venture for this property in the middle of a residential zone.

Polly Housley indicated where her home is located. She stated the streets are narrow. She has stayed in Bed and Breakfasts and enjoyed them. She stated her concerns for this use are noise, lights, big parties and the impact this use might have to Pine Valley.

Rosalind Soltis a Pine Valley resident explained her property in relation to the property in discussion. She read a letter from Cathy Hoar and Bob Shurdeck who live n Las Vegas and were unable to attend the meeting. The letter addressed their concerns regarding the activities that might impact their home and property values. They do not want any commercial use for this area.

Mrs. Soltis stated her concerns and the negative impacts in renting this home out. She asked how many times a year could the property be rented. She was told it could be daily.

Jim Soltis a Pine Valley resident had questions on the septic system and if it could handle the load of the people who might rent the property for large parties or weddings. He asked if the other building is a garage or a residence. He expressed concerns for the number of people who would be staying at the place at one time along with the noise and various other issues that will go along with this use.

Molly Chapman stated she was representing the Waggoner family who was unable to attend. Their property borders this property and they have concerns with the lighting shining onto the Waggoners property. She provided pictures to the Commission of the two properties and the relationship they share. She and the Waggoners are against this proposed use.

Sharron Worthington readdressed the commission asking for the meaning of a conditional use. The Planner explained conditional uses to her. Ms. Worthington reiterated the residence of Pine Valley do not want this permit issued but it seems that it will be. She asked about getting a petition to stop this use.

Chair Mike Stucki asked if a large family had this home and came up every weekend would it make a difference. Mrs. Worthington stated they are not opposed to a large family using this; they are opposed to this being a commercial use.

David Cobding a full time resident of Pine Valley asked what the difference would be between this project and the Dixie College Center. The College does not have the issues that are being discussed here today and they do rent the Center out to groups. He has no opinion right now with the use but would like more information on the lighting, parking, noise and issues with rental property.

A lengthy discussion regarding the legalities of the conditional use permit request and the impact it would have on the residential area.

A discussion regarding rental of the Dixie Center building took place.

Joe Lee asked how many tents will be put up on the property and how many children will be running around at night.

Jim Soltis spoke about the number of tents that get pitched during the summer.

Jeff Gardner commented on large families coming into the area explaining that the residents of Pine Valley work out problems and issues among the residents who own and live in Pine Valley. It is rare that the Sheriff is called. With a rental property the residents would change continually and the Pine Valley residents would not be able to handle issues that may arise with the renters.

After a lengthy discussion between the commission, the applicant, and county attorney, Rachelle Ehlert, the applicant requested the item be tabled until the issues could be worked out with staff.

**Motion: Commissioner Everett moved to table the Conditional Use Permit request for a Bed and Breakfast located in Pine Valley Rancho's. Commissioner Cropper seconded. The motion carried with all six (6) commissioners voting in favor.**

**Item #5. CONDITIONAL USE PERMIT.** Request permission for a bike race "Tour Del Sol" to be held on March 20, 2011. The route will loop from St. George up Hwy 18 to Veyo then back via the road from Veyo to Gunlock and Hwy 91 to the top of Utah Hill area and back to St. George. Spin Geeks, LLC/Red Rock Bicycle, applicant.

The planner pointed out the route from a screen presentation map, explaining that this Tour Del Sol is in its 2<sup>nd</sup> year running on Sunday, March 20th, 2011. It is a two-day event , with the first day

being run throughout the cities and the second day of the event will go throughout the County unincorporated area from Gunlock to Veyo and St. George and back to Gunlock via Old Hwy 91. They have taken care of all the community approvals. The route will impact some County roads and they will be doing the loop down Hwy 18. There will be sanitary facilities at the beginning of each event. The County Sheriff's Department has been notified and they will provide deputy services if needed. The County has been listed as a beneficiary on the liability insurance policy. There have been no complaints from the previous race.

Margaret Gibson explained the route, rules, and information of the race. She stated they spoke to the Sheriff and other cities where the race will go through and all have granted approval.

Commissioner Balen asked that the riders be cautioned on the turns and dangers of being on the road.

A short discussion regarding the route, the race, and bikes on the roads occurred.

**Motion: Commissioner Balen moved to approve the Conditional Use Permit for the Tour Del Sol/Spin Geek's ride on March 20, 2011 as per approved route. Commissioner Cropper seconded. Commissioner Ford clarified status of the conditional use being permanent or for one (1) year. The Planner stated it was for one (1) year. The motion carried with all six (6) commissioners voting in favor.**

**Item #6. CONDITIONAL USE PERMIT EXTENSION.** Request permission to install water lines from the main source across SITLA land for future growth and upgrade for development in Dammeron Valley. Dammeron Corp/Brooks Pace, applicant and Brown Engineering, agent.

The Planner pointed to the State Lands on the presentation screen, explaining that the request is to install water transmission lines from Bonnie Springs Wells to the existing Dammeron Valley Water Works System, approximately 1 ½ miles. Public utilities and transmission lines are required to come before the Planning Commission as a conditional use, regardless of whether they are on private or public lands. It may be determined that the Department of Environmental Quality (DEQ) would not be involved, since this project is a privately owned water company, and not a mutual water company. As a utility corridor, the County would request a map graphically showing the location, description, and dimensions of their easements. The Dammeron Valley Water Company is a privately owned water company, but serving more than the minimum number of homes, and could still come under the Department of Environmental Quality. The DEQ would make any inspections, and write letters of approval.

Commissioner Balen asked for clarification of the location of the project, which was shown and discussed.

Todd Edwards, County Engineer, stated there were some concerns with the plat presented and that the Commission should indicate in their motion that they are not approving the roads or lot layout. The only approval being granted is the layout of the waterlines. The applicants should avoid installing the waterlines and any hydrants in what might be future roads. There are issues with these waterlines going in prematurely and the applicants need to know they are installing them at their own risk.

Marc Brown explained the layout. He stated the plat was for the applicants to get SITLA's approval for the installation of these waterlines. The sole purpose of the project is to equalize the two water tanks in the area. It is hard to equalize the water in the summer.

Commissioner Wilson asked what size pipes were going in. Mr. Brown answered they would be eight (8) inches.

Mr. Brown stated that SITLA has approved the layout. We are not asking for approval of the plat just for the waterlines.

A discussion on the future and existing waterlines and their sizes, future roads and development took place. Commissioner Cropper asked who would benefit from this project. Mr. Brown answered the entire valley would benefit. Chairman Stucki reiterated that the applicant is installing these lines at his own risk.

Todd Edwards stated the plat indicates fire hydrants will be installed also. Chairman Stucki commented that this is the foundation for a subdivision, which he is concerned the applicant is planning. Mr. Brown stated at some point in the future the owner may come in for a subdivision but right now the economy won't support one. They just want to get the waterlines installed because he is getting a loan from the Division of Water Resources to install the lines and they will not finance hydrants. The tees will be installed but the hydrants may not be. He reiterated the main reason for the lines to be installed is to equalize the pressure of the current system.

Mr. Edwards reported the county would only inspect water lines located within the County right-of-ways. Marc Brown stated he would be responsible for inspections throughout the project.

There were no other comments.

**Facts/findings:**

- **Proposed water line will equalize pressure to two (2) water tanks.**
- **Tees does not constitute approval of the road layout.**
- **The project will improve the existing system.**
- **SITLA granted easements.**
- **Notation on the construction drawings to indicate approval does not constitute approval of subdivision.**

**Motion:** Commissioner Everett moved to recommend approval of the Conditional Use Permit for the installation of water transmission lines from the main source on SITLA lands to upgrade the water in the Dammeron Valley subject to facts/findings, with notation on relocation, which states, "NO PRELIMINARY PLAT HAS BEEN APPROVED FOR THE LOT AND ROAD CONFIGURATION SHOWN. ANY WATERLINES INSTALLED MAY NEED TO BE RE-LOCATED, REMOVED, OR ALTERED AS DEVELOPMENT OCCURS TO COMPLY WITH THE ORDINANCES AND STANDARDS IN EFFECT AT THE TIME OF DEVELOPMENT", and applicant obtain encroachment permits on County and State Roads. Commissioner Wilson seconded the motion. The motion passed with all six (6) commissioners voting aye.

**Item #7. PUBLIC HEARING.** Open hearing for a final plat approval for Whispering Pines Subdivision - Phase 3, 21 lots, located east and adjacent to Terrace Drive Subdivision on Kolob. Karl Sorenson, agent. (*Tabled February 22, 2011*) This item is in conjunction with Item #8 below. The Planner reported the commission had reviewed this plat at the last meeting. She showed the project on the map pointing out the changes to the plat, which were from public to private roads.

Karl Sorenson owner of the development had nothing more to add. He asked if there were any questions from the Commission and for approval of the plat.

There were no public comments and the public hearing was closed.

**Item # 8. FINAL PLAT APPROVAL.** Consider final plat approval for Whispering Pines Subdivision - Phase 3, 21 lots, containing approximately 32 + acres, NW , NE & SE 1/4, Section 12, T39S, R11W, SLB&M, generally located east of Terrace Drive Subdivision on Kolob. Karl Sorensen, agent. (*Tabled February 22, 2011*)

The planner advised that the applicant received final approval in 2007 for 87 lots, although, he felt they would be unable to complete that large of a development in one season. In 2008, the developer received final approval for the 1<sup>st</sup> phase, 32 lots, and in 2009, the 2<sup>nd</sup> phase was approved and Whispering Pines development installed all improvements, waterlines and roads. The applicant will improve this portion of the subdivision at the beginning of this season, which is the 3<sup>rd</sup> phase of the project. A new title report will need to be provided prior to the certification signature process.

The Planner stated the only change to the plat was the roads going from public to private. . All approval letters were received in 2007 and a new letter has been submitted from the Conservancy District who serves the area and there appears to be no issues. Everything else is in compliance and staff recommends approval.

There were no comments on this item.

**Motion: Motion was made by Commissioner Balen to recommend approval of the final plat approval for Whispering Pines Subdivision – Phase 3 Kolob. Commissioner Everett seconded the motion. The motions passed with all six (6) commissioners voting aye.**

**Item #9. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on March 1, 2011. County initiated.

The planner reviewed Staff decisions from the Land Use Authority Staff Meeting held on March 1, 2011.

#### **ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING March 1, 2011**

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District; and Becky Marchal, Questar Preconstruction Specialist.

Excused: Ron Whitehead, Public Works Director; Paul Wright, Department of Environmental Quality; Robert Beers, Southwest Utah Public Health Department; and Tina Esplin, Washington County Water Conservancy District.

### **CONDITIONAL USE PERMIT EXTENSION.**

**A.** Request extension on a single-family dwelling within the A-20 zone on Smith's Mesa, with the total acreage being 150 acres. Rick Eddy/Zion Cliff Dwellers, LLC, applicant. This is a fourth extension and applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, deeds of ownership, septic permit from the Southwest Utah Public Health Department (SUPHD), and quantity and quality on a private well. Single-family dwellings are conditionally approved within the A-20 zone, with this property containing a total of 150 acres. The property is accessed from the Smith's Mesa Rd. through Virgin, Utah, then onto a County prescriptive use road, generally located on the upper Smith's Mesa. The applicant notified the planner on the 2nd of June, explaining that they had lost the contract on the property of April 6, 2010, so at their request, discontinue the use. **No permit has been issued as yet and at the request of the applicant no action was taken, so this use expires.**

**B.** Review extension on building a 2nd dwelling for a family member within the A-20 zone northeast of Enterprise. John Alger, applicant. This is the fifth extension. The applicant previously met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and quantity and quality on a private well. Second dwellings are conditionally approved within the OST-20 zone, with this property containing a total of 80 acres. The property is accessed from Hwy 18 to Mine Rd. (350 East) and onto a prescriptive use road 900 North, generally located northeast of Enterprise and site plan meets all setback requirements. **No permit has been issued as yet; the initial work that went into applying for the conditional use should be enough to keep the permit active, although, since this is the fifth extension, staff would let the use expire.**

**C.** Request permission for three (3) cabins for family members as a recreational facility on 60.67 acres, within the A-20 zone near New Harmony. Diamond H. Ranch LLC./Barry Bunker, agent. This is an automatic annual review. Previously the applicant met most of the requirements for the 2nd (3 cabins) dwelling units by submitting a site plan, foundation plan, an approved septic system from the Southwest Utah Public Health Department and water testing on a private well system. There are two existing dwellings approved and one accessory dwelling, upon purchase of Mr. McDonald's land three (3) existing farms houses were demolished. These three (3) cabin structures will be used for family members for recreational use. There will be no kitchen or bathrooms, just sleeping quarters. An existing restroom facility will be utilized and the septic system has been upgraded. This application meets the density requirement of 2 units per 20 acres. Ash Creek special Sewer District Manager indicated that he was in approval with the density requirements for this area, with the applicant having 60 acres. Second dwellings are conditionally approved within the A-20 zone. The property is accessed from McDonald Road south of New Harmony. The site plan meets all setback requirements and flood elevations, with the units being raised another foot by adding to the support/foundation pillars. **This Conditional Use Permit was granted permanent status, whereas the applicant submitted flood study calculations on elevations for Todd Edwards, County Engineer and office files.**

**D.** Request a 2nd dwelling for a family member within the RA-5 zone in Blackridge Ranches - Phase 3, Lot 204 near New Harmony. Gary Steineckert, applicant. This is an automatic annual review and a building permit was issued (#6136). Previously, the applicant met most of the requirements for the 2nd dwelling unit by submitting a site plan, floor plan, and a letter from the Health Department stating that the existing system with expansion is sufficient for the proposed building. The applicant failed to obtain approval on density from Ash Creek Special Sewer District. Mr. Hall explained that the district's board members would need to approve this use and felt that they would look favorable on this request, whereas there was a restroom approved in the existing workshop over four-years ago. Second dwellings are conditionally approved within the RA-5 zone, with this property being a legally platted and recorded lot. The property is accessed from 2300 East in Blackridge. The site plan meets all setback requirements. The building inspector reported that a final inspection was completed. **Staff granted the Conditional Use Permit on a permanent basis.**

**Item #10. MINUTES.** Consider approval of the minutes of the regular Planning Commission meetings held on February 8 and 22, 2011.

**Motion:** Commissioner Everett moved to adopt the Minutes of February 8 and 22, 2011 as written. Commissioner Ford seconded. The motion passed with all six (6) commissioners voting aye.

**Item #11. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items. County initiated.

The Planner reviewed the action taken on Planning Items by the County Commission on March 1, 2011, beginning at 4:00 p.m. (A). Request permission for Tour de St. George to be held on April 9, 2011. The route will loop from St. George up Hwy. 18 to Veyo then back via the road from Veyo to Gunlock and Hwy. 91 back to St. George. Spin Geeks, LLC/Red Rock Bicycle, applicant. **The Planner said the items listed above were approved by the County Commission as recommended by the Planning Commission.**

**Item #12. COMMISSION & STAFF REPORTS:** General reporting on various topics. County initiated.

The Planner stated Perry Thompson with New Star Renewable Energy who works with the Governors Office on adopting codes will be presenting a slide review at the next meeting. There have been some changes to the Energy Code that we need to review and may need to look at amending our ordinances to comply with the changes. Mr. Perry will be first on the Agenda as a work meeting then the Commission will move into the regular meeting.

The meeting adjourned at 3:52 p.m.

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Doreen Bowers-Irons  
Planning Secretary